

1 **CAROL SHIPLEY**

2 **STANISLAUS COUNTY ASSISTANT DISTRICT ATTORNEY**

3 **Gloria M. Mas (SBN 132429)**

4 **Deputy District Attorney**

5 **11th and I Streets, Rom 200 2nd Floor**

6 **Modesto, California 95353**

7 **(209) 525-5550**

8 **Attorneys for the People**

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

**MA-RU HOLDING COMPANY, INC. and
BONZI SANITATION LANDFILL, (GP),**

Defendants.

CASE NO. 376882

**STIPULATED JUDGMENT
FOR INJUNCTION, CIVIL
PENALTIES, AND
RELIEF**

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their complaint herein, CAROL SHIPLEY, Assistant District Attorney of Stanislaus County, by and through GLORIA M. MAS, Deputy District Attorney of Stanislaus County, and defendants MA-RU HOLDING COMPANY, INC., and BONZI SANITATION LANDFILL (GP), hereby stipulate and consent to the entry of the Permanent Injunction and Final Judgment Pursuant to Stipulation. This Stipulated Judgment is entered into based in part on representations made and reaffirmed by these named defendants herein, that certain payments will be made according to the terms of the Stipulated Judgment.

Upon the consent of the parties hereto, and it appearing to the court that there is good cause for

1 the entry of this Stipulated Judgment,

2 IT IS ORDERED, ADJUDGED AND DECREED as follows:

3 1. This court has jurisdiction of the subject matter of this action and each of the parties
4 hereto.

5 2. The injunctive provisions of this Stipulated Judgment are applicable to defendants, their
6 subsidiaries and divisions, and any agent, employee, representative and all persons, partners,
7 corporations, or other entities acting by, through, under, or on behalf of defendants and all persons in
8 concert with or participating with said defendants with actual or constructive knowledge of this
9 injunction, only insofar as they are doing business in the State of California and confined to defendants'
10 landfill operations in the County of STANISLAUS and throughout the state of California.

11 3. Pursuant to Business and Practice Code §17206, Defendants are hereby permanently
12 enjoined from:

- 13 a) Violating §17200 of the Business and Professions Code as detailed in the Complaint
14 b) Violating the Terms and Conditions of this Stipulated Judgment (Exhibit A)
15 c) Violating Penal Code Section 115.

16 4. Defendants shall pay the sum of ONE MILLION FIVE HUNDRED THOUSAND
17 DOLLARS (\$1,500,000.00) in civil penalties and cy pres restitution to be paid as follows:

18 a) If any violations occur pursuant to Section 3b, the amount of penalty is delineated in
19 Exhibit B. The penalties delineated in Exhibit B are payable to the State Water Resources
20 Control Board Cleanup and Abatement Account.

21 b) If any violations occur pursuant to Section 3c of this Stipulated Judgment, the penalty is
22 in the amount of \$100,000.00. The penalty is payable to Stanislaus County District Attorney
23 177A DA Enforce Consumer Protection Laws, Org# 23310.

24 c) These penalties discussed in this Section shall be **STAYED** for a period of three (3)
25 years, beginning on the filing of this Stipulated Judgment, on the condition that no further
26 violations occur pursuant to Sections 3b and 3c of this Stipulated Judgment. It is understood
27 that the stayed portion of the civil penalty for any item shall immediately be due and owed after
28

1 a finding of any violation of that item as described in 3b and 3c. A determination of a violation
2 can only be made by Board Resolution or Order adopted after appropriate public notice giving
3 the defendants an opportunity for a hearing, or by a Superior Court Judge. If no violations of
4 Section 3b and 3c occur during the three year period, the stay will become permanent.
5

6 5. Nothing in this Stipulated Judgment precludes any agency or department from imposing
7 and assessing additional penalties, issuing new Orders, and filing subsequent actions for future
8 violations of the law. The stayed amounts in Section 4 are in addition to any other actions either
9 agency or department wishes to pursue. The Penalties in Exhibit B will be assessed through the due
10 date of this Stipulated Judgment, and either agency or department may take additional enforcement
11 actions after that date.
12

13 6. In addition, defendants shall pay the sum of FOUR HUNDRED AND FIFTY
14 THOUSAND DOLLARS (\$450,000.00) to a Supplemental Environmental Program, Recovery Costs,
15 as follows:

16 a) Defendants shall pay the sum of TWO HUNDRED TWENTY FIVE THOUSAND
17 DOLLARS (\$225,000.00), as partial recovery of costs in this matter. Said payment shall be
18 made payable to the State Water Resources Control Board Cleanup and Abatement Account.

19 b) Defendant shall pay the sum of ONE HUNDRED TWENTY FIVE
20 THOUSAND DOLLARS (\$125,000.00), to the Secretary of the California Environmental
21 Protection Agency. This money shall be deposited into the Environmental Enforcement and
22 Training Account under the authority of Penal Code Section 14301.

23 c) Defendant shall pay the sum of ONE HUNDRED THOUSAND DOLLARS
24 (\$100,000.00) as partial recovery of costs in this matter. Said payment shall be made payable
25 to the Stanislaus County District Attorneys 177A DA Enforce Consumer Protection Laws, Org
26 # 23310, pursuant to Business and Professions Code §17200.
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1 7. Defendants shall pay the sum of EIGHT HUNDRED SIXTY-EIGHT DOLLARS AND
2 EIGHTY CENTS (\$868.80) payable to the Stanislaus County Superior Court.

3
4 8. Defendants waive all objections to employees from the Central Valley Regional Water
5 Quality Control Board entering upon their landfill operations at 2650 West Hatch, Modesto, CA, for
6 the purpose of inspection and enforcement of the terms of this Stipulated Judgment.

7
8 9. Matters Covered by This Stipulated Judgment.

9 a) Subject to the reservations set forth in this Section, final approval of this Stipulated
10 Judgment by the Court and defendants' performance of all the obligations set forth in this Stipulated
11 Judgment resolves all civil, criminal and administrative claims of the Plaintiff for the alleged violations
12 set forth in the complaint in this matter and for any other claims based on the underlying facts alleged in
13 the complaint that could have been asserted against defendants as of the date of entry of this Stipulated
14 Judgment.

15 b) Except as expressly provided in this Stipulated Judgment, nothing in this Stipulated
16 Judgment is intended nor shall it be construed to preclude any state or county agency from exercising
17 its authority under any law, statute or regulation. The signing of this Stipulated Judgment shall not be
18 used by any non governmental agency as an admission of wrongdoing by the defendants, the
19 defendants' successor in interest, the employees of the defendants, the owners/shareholders of the
20 defendants, the officers/directors of the defendants, or any assigns, in any third party claim/litigation.

21 c) Defendants by their signature attest that they have authority to enter into this Stipulated
22 Judgment.

23 10. All checks shall be sent to the Stanislaus County District Attorney's Office, attention:
24 Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353. All amounts
25 are due within two years of the filing of this Stipulated Judgment. The first installment of TWO
26 HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$225,000.00) as described in Sections 6b and
27 6c is due within one year (365 days) of the filing of this Stipulated Judgment. The balance as described

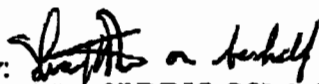
1 in 6a is due the following year.

2 11. This Stipulated Judgment shall go into effect immediately upon entry hereof. Entry is
3 authorized immediately upon filing.

4

5 Dated: December 15th, 2005


6

By: 
MA-RU HOLDING COMPANY, INC.
Authorized Representative

7

8 Dated: Dec 16, 2005

9

By: 
Douglas Neibauer, Esquire
Attorney for
MA-RU HOLDING COMPANY, INC.

10

11 Dated: December 15th, 2005

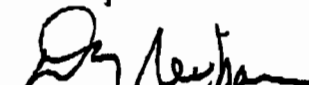
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By: 
BONZI LANDFILL, (GP)
Authorized Representative

13

14 Dated: Dec 16th, 2005

15

By: 
Douglas Neibauer, Esquire
Attorney for
BONZI LANDFILL, (GP)

16

17

CAROL SHIPLEY
ASSISTANT DISTRICT ATTORNEY

18

19

20 Dated: December 19, 2005

21

By: 
GLORIA M. MAS
DEPUTY DISTRICT ATTORNEY

22

IT IS ORDERED, ADJUDGED AND DECREED.

23

24 Dated: DEC 21 2005

25

ROGER M. BEAUCHESNE

26

JUDGE OF THE SUPERIOR COURT

27

28

EXHIBIT A

EXHIBIT A TERMS AND CONDITIONS

All of the following technical reports shall be prepared by, or under the direction of, a California Registered Engineer or Professional Geologist, and shall be signed and stamped by the professional. Each document shall be submitted for the Executive Officer's review and approval, and shall contain all information necessary to review as a stand-alone report.

Groundwater Monitoring System

1. **By 15 December 2005, the Discharger shall submit a Groundwater Monitoring System Evaluation Report that shall include the following at a minimum:**
 - a. A full evaluation of whether the present detection monitoring system complies with Title 27 Sections 20385, 20405, 20415(b)(1)(B), 20415(e) and 20420. This evaluation shall be based on current groundwater conditions as reported in the monitoring reports from Fall 2004 through the present. This requirement may be met by resubmitting the 12 July 2005 report to include all supporting data, documentation and analysis upon which the report and its conclusions are based (well completion logs, cross sections, well development logs, flow nets). If any monitoring well is determined to be unnecessary, then with Board staff concurrence, the monitoring well will be removed from the detection monitoring system and properly abandoned according to all applicable regulations.
 - b. A demonstration that all monitoring wells listed in Monitoring and Reporting Program No. 98-093 (or replacement wells) meet the performance standards described in Title 27 Section 20415(b)(4) and 40 CFR Part 258.51(c)(2). This report shall address each subsection of Section 20415(b)(4) and 40 CFR Part 258.51(c)(2) for every monitoring well associated with this facility. The report shall include all supporting data, documentation and analysis upon which the report and its conclusions are based (well completion logs, well development logs, etc.). The monitoring wells to be evaluated include wells both on the Discharger's property and off of the property.

If the Discharger or Board staff notes deficiencies, the Discharger will address these deficiencies such that the wells meet all performance standards in a report to be submitted 45 days after the deficiencies were identified. (For more detail see the 16 October 2003 Notice of Violation, the 15 June 2005 Notice of Violation, and Finding 4 of Cease and Desist Order R5-2005-0073.)
 - c. A list of all domestic, agricultural, irrigation and municipal wells within one mile of the facility (not to extend beyond the Tuolumne River). The location of each well shall be displayed on a map.
2. Beginning with the 4th Quarter 2005, all monitoring wells listed in Monitoring and Reporting Program No. 98-093 shall be sampled and reports submitted as described in that document. Wells 85-6R, 86-10R, 85-12, 85-13, and 85-14 (if necessary based on the evaluation required by No. 1a) shall be replaced within 90 days of staff approval of the 19 October 2005 workplan. Until replaced, these wells are not subject to this requirement. The Discharger

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**Terms and Conditions
Bonzi Landfill****- 2 -**

shall notify Regional Board staff at least seven days prior to the 4th Quarter 2005 sampling event.

3. **120 days after staff approval of the Groundwater Monitoring System Evaluation Report, the Discharger shall submit a Groundwater Monitoring System Upgrade Report that shall include the following at a minimum:**
 - a. A full description of the actions taken to address all deficiencies of the detection monitoring system (including those described in the 15 June 2005 NOV and the above required report) and the actions taken to ensure that all monitoring wells meet the Title 27 performance standards. The report shall explain in detail how each deficiency has been resolved (i.e., wells replaced, wells redeveloped, etc). (For more detailed discussion on this issue, see the 15 June 2005 Notice of Violation, and Compliance Item #3 of Cease and Desist Order R5-2005-0073.)
 - b. Reasonably available information regarding well construction and pumping rates of the current domestic, agricultural, irrigation, and municipal wells listed in item 1c, above. The report shall include all supporting data, documentation and analysis upon which the report and its conclusions are based. (For more detail, see Finding 8 of Cease and Desist Order R5-2005-0073.)

Groundwater Monitoring Program

4. **By 1 January 2006, the Discharger shall either resample and submit the results or submit a reevaluation of the previous analysis for the five-year 40 CFR Part 258 Appendix II sampling. The analysis shall report method detection limits and practical quantitation limits per the US EPA method listed in the 40 CFR Part 258 Appendix II or an approved method with lower limits. All peaks shall be reported, including those which cannot be quantified and/or specifically. Included with the submitted data shall be a complete evaluation of the 5-year data as outlined in the August 1997 Standard Provisions and Reporting Requirements. The report shall address all concerns detailed in the 12 September 2005 Regional Board letter.**

Corrective Action Program

5. **Immediately upon the adoption of the judgment, the Discharger shall operate, maintain and monitor the groundwater treatment system so that the groundwater plume will be contained at the point of compliance as described in Section 20164 of Title 27. The groundwater treatment system will be run 24 hours a day, seven days a week. This requirement includes the operation of extraction wells EW-1, 2 and 3 and any added wells needed as a result of the capture zone analysis. This operation period only can be changed by submitting a report showing that a 24/7 operation period is not necessary to fully contain the plume, and upon written concurrence from Executive Officer. (For more detail refer to Findings 5, 6, 7, 8 and Compliance Items 1 and 7 of Cease and Desist Order R5-2005-0073.)**

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6. **Immediately upon the adoption of the judgment, the Discharger shall operate, maintain and monitor the existing landfill gas extraction system to contain the landfill gas within the property boundary.**
7. **By 1 February 2006, the Discharger shall submit a complete Soil Gas Monitoring Plan that complies with Title 27 Article 6 and establishes a soil gas monitoring system that monitors the landfill gas and shows whether the gas is contained within the property boundary. If the gas is not contained within the property boundary, then the plan shall include a proposed expansion of the system. The plan shall be implemented upon written approval.**
8. **If necessary, a final Soil Gas Monitoring System Construction Report shall be submitted 90 days after staff's approval of the Soil Gas Monitoring Plan.**
9. **This section has been deleted.**
10. **Beginning 15 January 2006, the Discharger must submit a Corrective Action Semi-annual Progress Report describing the effectiveness of the corrective action program pursuant to Title 27 Section 20430(h) until all constituents of concern (volatile and/or inorganic) listed in 40 CFR part 258 Appendix I and II have been restored to levels below their water quality objectives. The reports shall include all supporting data, documentation and analysis upon which the report and its conclusions are based, and shall be submitted 15 January and 15 July of each year until the groundwater has been remediated. These Terms apply only to the 2006 Semi-Annual reports. Reports not submitted after that time will be subject to the Board's usual administrative enforcement actions.**

Surface Impoundment/Groundwater Treatment System

11. **By 1 January 2006, the Discharger shall inspect the detention pond liner system and remove any vegetation from the pond. All tears and holes shall be repaired within 60 days of completion of the electronic leak detection inspection. (For greater detail refer to the 9 August 2005 and 21 September 2005 Notice of Violations.)**
12. **Immediately upon adoption of the judgment, the Discharger must maintain at least the required freeboard in the applicable WDRs for the detention pond at all times.**
13. **Immediately upon adoption of the judgment, the Discharger shall discharge treated groundwater to the vineyard (APN 017-042-001) in accordance with WDRs Order No. 90-215 (Note that compliance is not required while work required by Item #11 is undertaken.) Compliance with WDRs Order No. 90-215 includes land applying the water only through a drip system such that ponding does not occur. Flood irrigation of the water contained in the surface impoundment is prohibited. The Discharger must also maintain the vineyard such that it is capable of achieving the greatest agronomic uptake. Direct effluent discharge of the groundwater treatment system to a location other than the surface impoundment is a violation of WDRs Order No. 90-215. (For more detail, refer to WDRs Order No. 90-215 discharge Prohibitions A, B and C.). This requirement shall remain in effect until the Regional Board**

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adopts revised WDRs for the groundwater treatment/disposal system.

14. By 1 April 2006, the Discharger shall submit a Treatment System Effluent Evaluation and Operations Report that shall include the following at a minimum:

- a. Documentation of the inspections and repairs of the detention pond liner system. (For greater detail refer to the 9 August 2005 and 21 September 2005 Notice of Violations.)
- b. A detention pond water balance evaluation to determine how much additional capacity is required to maintain the freeboard at 1.5 feet or greater throughout the entire year, including the rainy season. The freeboard requirement shall not be met by shutting off the groundwater treatment system. (For greater detail, refer to WDR Order No. 90-215.)

15. By 1 April 2006, the Discharger shall submit documentation that the vineyard's (APN 017-042-001) drip irrigation system is capable of operating within the discharge limits in WDRs Order No. 90-215. If upgrades were necessary to meet this requirement, the report shall contain details. (For more detail, refer to WDRs Order No. 90-215 finding 7.)

16. By 1 May 2006, the Discharger shall submit a Report of Waste Discharge to update WDRs Order No. 90-215. The RWD shall include a technical report evaluating the current groundwater treatment system and whether it is capable of removing all VOCs, metals, and salts to levels that will not degrade the groundwater when discharged. If the system is currently inadequate, then the RWD shall describe a modified system and propose a timeline for installation. The RWD shall include a Form 200, a water balance, and a technical report including the information listed in Attachment A to this document.

Financial Assurance

17. By 1 February 2006, the Discharger shall submit a Financial Assurance Report. This report will cover each of the comments in 3 October 2005 Notice of Violation regarding the previous financial assurance report, as well as the items described below. Note that the report due by 1 February 2006 is to cover items 1.a, 2.a, 2.b, 3.a, and 3.b. Item 1.b is to be submitted separately as described below.

1 Treatment System Financial Assurances (Corrective Action)

- a. Evaluate the annual cost of running the entire groundwater and landfill gas extraction treatment systems, monitoring the corrective action wells, maintenance of both systems and monitoring wells, and all other cost (reports, etc.) associated with the Title 27/40 CFR corrective action program. Then considering inflation a total cost shall be evaluated to operate the system for 30 years. The report shall include all supporting data, documentation and analysis upon which the report and its conclusions are based. (For greater detail refer to compliance items #6, #10 & #16 of Cease And Desist Order RS-2005-0073 and the 3 October 2005 Notice of Violation.)

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- b. 90 days after staff approval of 1.b, above, the Discharger shall provide a mechanism and a funding source that complies with Title 27 and 40 CFR Part 258.73 for the annual cost of running the entire groundwater and landfill gas extraction treatment systems, monitoring, the corrective action wells, maintenance of both systems and monitoring wells, and all other cost (reports, etc.) associated with the Title 27/40 CFR corrective action program.

2 Post Closure Maintenance Financial Assurances

- a. Prepare a cost analysis report for maintaining the closed WMU I in compliance with Title 27, Division 2, Chapter 6 and 40 CFR Part 258.61. The Discharger shall also provide a mechanism and a funding source that complies with Title 27 and 40 CFR Part 258.72. The report shall provide all supporting data, documentation and analysis upon which the report and its conclusions are based. (For greater detail refer to compliance items #6, #10 & #16 of Cease And Desist Order R5-2005-0073 and the 3 October 2005 Notice of Violation.)
- b. Provide a mechanism and a funding source (or proof of an existing mechanism and funding source) for maintaining the closed WMU I in compliance with Title 27, Division 2, Chapter 6 and 40 CFR Part 258.61. The Discharger shall also provide a mechanism and a funding source that complies with Title 27 and 40 CFR Part 258.72.

3 Closure and Post Closure Financial Assurances for Units II, III and IV

- a. Evaluate the cost of post closure maintenance and closure of waste management units II, III and IV in compliance with Title 27, Division 2, Chapter 6 and 40 CFR Part 258.61 and 258.73. The report shall provide all supporting data, documentation and analysis upon which the report and its conclusions are based. (For greater detail refer to compliance items #6, #10 & #16 of Cease And Desist Order R5-2005-0073 and the 3 October 2005 Notice of Violation.)
- b. Provide a mechanism and a funding source (or proof of an existing mechanism and funding source) that complies with Title 27, Division 2, Chapter 6 and 40 CFR Part 258.61 and 258.73 for the corrective action, post closure maintenance and closure of waste management units II, III and IV.

Waste Characterization

18. 60 days after staff's approval of the WMU II and III Closure Plan, the Discharger shall submit a **Waste Characterization Analysis Report** describing the actual waste deposited in the WMU IV. This is to be determined by trenching and/or boring into the waste, as well as by facility records. An evaluation of the waste types and percentages shall be presented in the analysis. This analysis shall also include a characterization of the waste per Title 27 Section 20200. If the WMU II and III Closure Plan states that all waste from WMU IV will be moved onto WMUs II and III, then this report is not required. However,

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if only a portion of the waste will be moved, then the waste remaining in WMU IV must be characterized.

Closure

19. **By 1 January 2006, the Discharger shall place on Units II and III a minimum of one foot of interim soil cover and compact it in accordance with Title 27 Section 20705. An Interim Soil Cover Report documenting the work shall be submitted by 15 January 2006. (For greater detail refer to the 9 August 2005 Notice of Violation.)**
20. **By 1 March 2006, the Discharger shall submit a Closure Plan for WMUs II and III that complies with CCR Title 27. The plan shall include a closure date, which shall be as soon as economically and technically feasible. If the Closure Plan states that waste will be removed from WMU IV for placement on WMU II and III, then removal must begin upon staff's approval of the plan.**
21. **By 1 March 2006, the Discharger shall submit a Joint Technical Document to update Waste Discharge Requirements Order No. 98-093 to reflect the current operations of the landfill and the closure timelines. The JTD shall meet the requirements of Title 27, Chapter 4, Subchapter 3, Article 2.**

Attachment A: Items to be included in a RWD

December 14, 2005

ATTACHMENT A

DEC.27.2005

4:30PM

CA DIST.ATTYS.ASSOC.

NO.258

P.14/17

**ATTACHMENT A TO EXHIBIT A
ADDITIONAL INFORMATION REQUIREMENTS
FOR REPORT OF WASTE DISCHARGE
BONZI LANDFILL**

Please provide a technical report, prepared by, or under the direct supervision of a registered professional, that presents the following information:

1. A narrative description of all wastewater conveyance, treatment, and disposal systems currently existing at the facility.
2. A narrative description of all planned physical improvements, their purpose, and anticipated completion dates. If phased build out is planned provide scope and completion dates for each phase.
3. Provide a site map that shows property lines, buildings, treatment or storage ponds, land application areas, and surface water drainage courses within 1,000 feet of the site.
4. A process flow diagram, treatment plant site plan, and a scaled map showing the limits of all existing and proposed effluent disposal areas.
5. For each pond and any other waste containment structure, provide the following information and give any references used. Discuss both existing and proposed facilities:
 - a. Identification (name) and function of the pond;
 - b. Surface area, depth, and volumetric capacity at two feet of freeboard;
 - c. Height (relative to surrounding grade), crest width, interior slope, and exterior slope of each berm or levee;
 - d. Materials used to construct each berm or levee;
 - e. Description of engineered liner, if any;
 - f. Estimated steady state percolation rate;
 - g. Depth to shallow groundwater below the pond;
 - h. Overfilling/overflow prevention features; and
 - i. Operation and maintenance procedures.
6. A description of the sources and types of wastewater flowing into the system, design flow rates, and the design capacity of the system (existing and proposed). Include projected infiltration/inflow rates and peaking factors used in design calculations.
7. A description of emergency wastewater storage facilities or other means of preventing system bypass or failure during reasonably foreseeable overload conditions (e.g., power failure).
8. A description of the following for the both existing system and each phase of any proposed expansion:
 - a. Average dry weather flow;
 - b. Peak wet weather flow; and

**Additional Information Requirements
Bonzi Landfill**

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- c. Effluent quality at the point of discharge to the pond (BOD, nitrogenous compounds, electrical conductivity, total dissolved solids, VOCs, pH, and metals).
 - d. A description of the wastewater disposal area including: acreage, type of crop grown, loading rates for BOD (in lbs/acre/day), total nitrogen (in lbs/acre/year), and salts (in lbs/acre/year). Provide a description of the disposal area and the disposal technique. State the number of acres of land used for disposal and crops planned for application areas. Show field locations on a map. Describe harvesting and crop disposal procedures. Describe the mixing ratio of wastewater and supplemental irrigation water prior to application. Describe the irrigation system and tailwater control and return system or other measures to prevent irrigation tailwater from leaving the fields.
9. Provide a projected monthly water balance demonstrating adequate containment and disposal capacity for the 100-year return period total annual precipitation, including consideration of at least the following.
- a. A minimum of two feet of freeboard in all ponds at all times;
 - b. Historical local evaporation data (monthly average values);
 - c. Local precipitation data with the 100-year return period annual total distributed monthly in accordance with mean monthly precipitation patterns;
 - d. Proposed wastewater loading rates distributed monthly in accordance with expected seasonal variations;
 - e. Projected long-term percolation rates; and
 - f. Projected irrigation usage rates.
10. A narrative description of groundwater treatment plant operation and maintenance procedures to be employed, including those associated with effluent storage and disposal.
11. If known, describe the quality of the underlying groundwater and the depth below ground surface at which groundwater is first encountered. Provide any other information regarding how you will manage this waste discharge to prevent the underlying groundwater from being degraded.
12. A description of any policies or facility design features that reduce the potential for groundwater degradation (best practicable treatment and control or BPTC measures).

EXHIBIT B

EXHIBIT B**Bonzi Landfill: Terms and Conditions Summary and Stayed Penalties**

	Report	Due Date	Stayed/Stipulated Penalty
Groundwater Monitoring System			
1.	Groundwater Monitoring System Evaluation	20 December 2005	\$50,000
2.	Comply with MRP No. 98-093	Beginning 4 th Q 2005	\$100,000
3.	Groundwater Monitoring System Upgrade Report	120 days after staff approval of Report #1	\$50,000
Groundwater Monitoring Program			
4.	Five-year 40 CFR Part 258 Appendix II	1 January 2006	\$50,000
Corrective Action Program			
5.	Operate groundwater treatment system 24/7	Immediately	\$100,000
6.	Operate landfill gas system	Immediately	\$100,000
7.	Soil Gas Monitoring Plan	1 February 2006	\$50,000
8.	Soil Gas Monitoring System Construction Report (if necessary)	90 days after approval of Soil Gas Monitoring Plan	\$50,000
9.	Deleted		
10.	Corrective Action Semi-Annual Progress Reports	15 January 2006, 15 July 2006	\$50,000
Surface Impoundment/Groundwater Treatment System			
11.	Inspect pond liner	1 January 2006	\$50,000
12.	Maintain pond freeboard in compliance with WDRs	Immediately	\$50,000
13.	Discharge treated water in compliance with WDRs	Immediately	\$50,000
14.	Treatment System Effluent Evaluation and Operations Report	1 April 2006	\$50,000
15.	Document that vineyard discharge system meets WDRs	1 April 2006	\$50,000
16.	RWD to update WDRs No. 90-215	1 May 2006	\$50,000
Financial Assurance			
17.	Financial Assurance Report	1 February 2006	\$100,000
17a.	Mechanism for funding corrective action	90 days after approval of corrective action financial assurance report	\$50,000
Waste Characterization			
18.	Waste Characterization Analysis Report	60 days after approval of report #21	\$50,000
Closure			
19.	Interim Soil Cover Report	15 January 2006	\$100,000
20.	WMU II and III Closure Plan	1 March 2006	\$100,000
21.	Joint Technical Document to update WDR No. 98-093	1 March 2006	\$100,000
			\$1,400,000

14-Dec-05